

11/1/02
Amended
D3

a memory that stores at least one of the at least one presentation element, at least one presentation element identifier, the at least one control element identifier and the at least one control element.

REMARKS

Claims 1-16 and 18-22 are pending. By this Amendment, claim 16 has been amended to incorporate the features of claim 17, and claim 17 has been cancelled. No new matter has been added.

The attached Appendix includes a marked-up copy of each rewritten claim (37 C.F.R. §1.121(c)(1)(ii)).

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Taylor during the November 6, 2002 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

Claims 1-22 are rejected under 35 U.S.C. §103(a) over U.S. Patent 5,960,448 to Reich et al. (hereinafter "Reich") in view of U.S. Patent 5,144,114 to Wittensoldner et al. (hereinafter "Wittensoldner"). The rejection of claim 17 has been rendered moot by the cancellation of claim 17. However, the rejection of the remaining claims is respectfully traversed.

As discussed during the personal interview, Applicants submit that the combination of Reich and Wittensoldner fails to disclose or suggest a system that controls a presentation using a tangible, sensible identification-carrying device including at least one presentation element identifier that identifies at least one presentation element, the system comprising a sensor that senses the at least one presentation element identifier and at least one control element identifier, a controller that selects the at least one presentation element identified by the at least one presentation element identifier and affects the presentation based on the

sensed at least one control element identifier, as recited in claim 1, and as similarly recited in claims 9, 16, 21 and 22.

Page 2 of the Office Action admits that Reichek fails to teach the presence of a control element identifier that associates a control element, wherein the control element is sensed and the controller affects the presentation based on the sensed at least one control element identifier. However, page 3 of the Office Action asserts that Wittensoldner discloses scanning a bar code on a label to adjust the volume of an audible speaker used with the system. Thus, it is concluded that the combination of Reichek and Wittensolder renders obvious the features of claims 1, 9, 16, 21 and 22. Applicants respectfully disagree.

In particular, Applicants submit that Wittensoldner instead simply discloses a bar code reader which has the capability of reading a bar code symbol containing information for causing change in the volume of a speaker associated with the reader (Abstract). Thus, in Wittensoldner, the bar code symbol is automatically associated with the volume control for the speaker. Thus, it is not necessary for the bar code reader in Wittensolder to have a control identifier for identifying at least one control element or a controller that selects the at least one presentation element identified by the at least one presentation element identifier to affect the presentation based on the sensed at least one control element identifier.

Accordingly, because the applied references fail to disclose these features, Applicants submit that it would not be obvious to one of ordinary skill in the art, other than with impermissible hindsight reasoning, to combine the teachings of Reichek and Wittensoldner to arrive at a system that controls a presentation using a tangible, sensible identification-carrying device having at least one presentation element identifier that identifies at least one presentation element, and including at least a sensor that senses the at least one presentation element identifier and at least one control element identifier, a controller that selects the at least one presentation element identified by the at least one presentation element identifier

and affects the presentation based on the sensed at least one control element identifier as recited in claim 1 and as similarly recited in claims 9, 16, 21 and 22.

For at least these reasons, Applicants submit that claims 1, 9, 16, 21 and 22 as well as claims 2-8, 10-15 and 18-20, which depend therefrom, define patentable subject matter. Thus, it is respectfully requested that the rejection of claims 1-16 and 18-22 under 35 U.S.C. §103(a) be withdrawn.

In view of the foregoing, Applicants submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-16 and 18 - 22 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number set forth below.

Respectfully submitted,



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Attachment:
Appendix

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<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>

APPENDIX

Changes to Claims:

Claim 17 is canceled.

The following is a marked-up version of the amended claim:

16. (Twice Amended) A system that generates physical objects usable to control a presentation, comprising:

a controller that associates at least one control element with at least one control element identifier; ~~and~~

a generator that provides a tangible, sensible identification-carrying device with the at least one control element identifier that identifies a function associated with the at least one control element; and

a memory that stores at least one of the at least one presentation element, at least one presentation element identifier, the at least one control element identifier and the at least one control element.